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AN ACT TO REFORMING RE-ENTRY AND COMMUNITY SUPERVISION OF CRIMINAL DEFENDANTS AND OFFENDERS TO STRENGTHEN PUBLIC SAFETY (House Bill No. 42, filed by Governor Patrick Feb. 3, 2011)

Bill Summary

The Governor's Re-Entry and Community Supervision Reform bill offers true rehabilitation through effective community supervision. The Commonwealth's current bifurcated system of community supervision has resulted in a fragmented system unable to deliver proper services or to maximize the limited resources within the state. The Governor's proposal centralizes all community supervision of offenders in one agency within the Executive Branch, which will supervise defendants from the early pretrial stages of the criminal process through release to the community after incarceration.

The bill proposes three new chapters of the General Laws:

- Chapter 127A establishes the Parole Board as an independent board within the Executive Office of Public Safety and Security (EOPSS). Parole officers will no longer be employees of the Parole Board, but will become community correction officers employed by the newly created Department of Re-entry and Community Supervision (DRCS). The Parole Board will maintain the authority to admit appropriate inmates to supervised release. However, under the bill the Parole Board will release offenders to the supervision of DRCS. Many existing processes and regulations of the Parole Board, such as victim access and the violation process, remain the same,
- Chapter 127B creates the new, unified Department of Re-Entry and Community Supervision within EOPSS, and restructures the roles of parole and probation officers who supervise adult criminal offenders. The courts or the Parole Board may order an offender to DRCS supervision. Based, in

part, on an accepted and validated risk and needs assessment tool, mandated by the bill, and a set of standards and rules consistently applied to offenders, DRCS will make recommendations regarding the level of supervision required and the appropriate conditions of supervision. The violation process will incorporate a graduated and intermediate sanctions system for all offenders supervised by the DRCS. This model provides certainty as to what the sanction will be, a response that is appropriate and proportional to the violation, and immediate and timely action in applying the sanction. It also offers efficiency through definition and consistency, avoiding unnecessary duplication of services and manipulation of the system.

- Chapter 127C requires mandatory post-release supervision, by DRCS, of state prison inmates who would otherwise be released directly from prison to the street upon completion of a sentence. Offenders who are not released on parole before expiration of their sentence, or to a consecutive sentence of probation, will be supervised by DRCS for an additional period of time after expiration of their sentence: 25% of the sentence served, but no less than 9 months and no more than 2 years.

Other features of bill create better and more efficient uses of community supervision resources:

- The responsibilities and infrastructure of the Office of Community Corrections (OCC) will be transferred to DRCS through the repeal of chapter 211F. The OCC administers community corrections centers to select offenders, the majority of which are sentenced to probation from district courts. These underutilized community centers will be merged with the Parole Board's re-entry centers to provide more comprehensive community corrections plans and be more readily available for assessment, treatment, and other programs for those directed to community supervision, whether by the court or the Parole Board.
- DRCS will administer electronic monitoring of all appropriate offenders, allowing for a more extensive and efficient use of this technology.
- Victims will be entitled to additional notifications, including when an offender is placed on electronic monitoring and when community supervision is revoked.